UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LORI A. ZARLENGA BLAQUIERE, *Plaintiff,* vs. EDWARD A. CHARBONEA, individually and in his capacity as Chief of Police of the North Kingstown Police Department, et al., *Defendants.*	C.A. No. 06-534ML

DEFENDANTS, JOHNSON AND KELLY'S PARTIAL OBJECTION TO THE PLAINTIFF'S MOTION FOR EXTENSION OF TIME

Now come the defendants, Johnson and Kelly and partially object to the plaintiff's motion for extension of time. Defendants do not object to an extension of time for the plaintiff to file an objection and memo in opposition to their motion to dismiss in lieu of answer. Rather, defendants only object to the 90 day request of the plaintiff. Defendants rely on their memorandum of law attached and incorporated herein.

Defendants,
By their attorney,

/s/ Marc DeSisto

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CERTIFICATION

I hereby certify that this document has been filed electronically with the Court on March 16, 2007, and is available for viewing and downloading from the ECF system. A true copy of the within was mailed, postage prepaid to:

Lori Zarlenga Blaquiere
101 Border Street
West Warwick, RI 02893

/s/ Marc DeSisto

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Marc DeSisto, Esq.

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DEFENDANTS, JOHNSON AND KELLY'S MEMORANDUM OF LAW IN SUPPORT OF THEIR PARTIAL OBJECTION TO THE PLAINTIFF'S MOTION FOR EXTENSION OF TIME

I. INTRODUCTION

Defendants, Johnson and Kelly filed a motion to dismiss in lieu of answer on the grounds that the complaint violated R.C.P. 8(a)(2) in that it does not contain "a short and plain statement of the claim…" In addition, the paragraphs of the complaint are not numbered in accord with R.C.P. 10(b).

Defendants also served a motion on the plaintiff for the sanction of dismissal pursuant to Rule 11. In accord with R.C.P. 11(c)(1)(A) defendants will not file said motion until 21 days after the service of the motion to the plaintiff, which date falls on March 26, 2007.

II. DEFENDANTS SUBMIT THAT 30 DAYS IS A REASONABLE EXTENSION

These defendants do not object to an extension of time for the plaintiff to respond to the motion to dismiss. However, a three month timeframe is unreasonable in view of the context of the motion. Either the complaint violates Rules 8 and 10 or it does not. There is no reason to delay a decision in this regard for three months. It should be noted that defendants have also requested, in the alternative, that plaintiff simply file more definite statements pursuant to Rule 12(e).

Defendants submit that a 30 day extension should be more than enough time for the plaintiff to either respond to the motion or to amend her complaint by numbering the paragraphs and setting forth the specific causes of action against these defendants.

On March 26, 2007, if the plaintiff does not withdraw her unsubstantiated allegations that virtually all of the defendants intend to commit the crime of murder against her, then these defendants will follow through with their Rule 11 motion for the sanction of dismissal and file it with the Court. Plaintiff has more than enough time to respond to the Rule 11 motion by either objecting to it or withdrawing the unsubstantiated allegations.

In addition, this Court has already ruled that a 30 day extension is appropriate on the plaintiff's motion for an extension regarding the motions of defendants, Charbonea and Desjarlais.

III. CONCLUSION

For the aforementioned reasons, these defendants respectfully request that the plaintiff's motion for an extension be granted for a period of an additional 30 days.

Defendants,
By their attorney,

/s/ Marc DeSisto

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